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12 Financial Network, LLC, Wachovia Capital Markets,  
LLC, Wells Fargo Advisors, LLC, Wells Fargo  
13 Advisors Financial Network, LLC, Wells Fargo  
Securities, LLC, Wells Fargo & Company

14 UNITED STATES DISTRICT COURT

15 NORTHERN DISTRICT OF CALIFORNIA

16 SAN FRANCISCO DIVISION

18 THEODORE KAGAN, JAMES AVEN, LAURA  
19 JACOBS, JOSEPH SOFFE, and ALBERKRACK  
20 FAMILY LIMITED PARTNERSHIP, on behalf  
of themselves and all others similarly situated,

21 Plaintiffs,

v.

22 WACHOVIA SECURITIES, LLC, a North  
Carolina limited liability company; WACHOVIA  
SECURITIES FINANCIAL NETWORK, LLC, a  
24 North Carolina limited liability company;  
WACHOVIA CAPITAL MARKETS, LLC, a  
25 North Carolina limited liability company;  
WELLS FARGO ADVISORS, LLC, a Delaware  
26 limited liability company; WELLS FARGO  
ADVISORS FINANCIAL NETWORK, LLC, a  
27 Delaware limited liability company; WELLS  
FARGO SECURITIES, LLC, a Delaware limited  
28 liability company; WELLS FARGO &

No. CV 09 5337 SC

**JOINT STIPULATION BETWEEN  
PLAINTIFFS AND DEFENDANT  
WACHOVIA SECURITIES, LLC  
AND [PROPOSED] ORDER RE:  
DATES FOR FILING RESPONSIVE  
PLEADING AND FOR CASE  
MANAGEMENT CONFERENCE**

Place: Courtroom 1  
Judge: Hon. Samuel Conti

A/73290297.1/3003050-0000343638

1 COMPANY, a Delaware corporation and DOES  
1 through 10, inclusive,

## Defendants.

This Stipulation is entered into by and among plaintiffs Theodore Kagan, James Aven, Laura Jacobs, Joseph Soffa and Alberkrack Family Limited Partnership (collectively, "Plaintiffs"), on the one hand, and defendant Wachovia Securities, LLC ("Defendant"), on the other hand, with the following facts:

A. Plaintiffs filed their Summons and Complaint in the above-captioned matter (the “Complaint”) on or about November 10, 2009;

B. Plaintiffs served their Complaint on Defendant Wachovia Securities, LLC on or about January 22, 2010;

C. Plaintiffs have not yet served the Complaint on the other defendants in this action;

D. A Joint Case Management Conference Statement is currently due by February 12, 2010;

E. A Case Management Conference is currently set for February 19, 2010, at 10:00 a.m. in Courtroom #1;

F. Plaintiffs and Defendant have met and conferred in good faith over the claims asserted in the Complaint.

**IT IS HEREBY STIPULATED AND AGREED** as follows:

1. Defendant's response to the Complaint is currently due Thursday, February 11, 2010.

2. A Case Management Conference is currently set for February 19, 2010, at 10:00 a.m. in Courtroom #1, and the Plaintiffs and Defendant's Joint Case Management Conference Statement is due by February 12, 2010.

1           3. Defendants seek an extension of time to respond to the Complaint, to allow  
2 Plaintiffs and Defendants to further discuss the issues presented in the Complaint, and potentially  
3 narrow those issues. Defendants also seek additional time for preparation of the response to the  
4 Complaint.

5           4. Plaintiffs consent to granting Defendant an extension of time in which Defendant  
6 must respond to the Complaint, of thirty (30) days. Subject to the Court's approval, Defendant  
7 shall file its response to the Complaint on or before March 11, 2010.

8           5. Plaintiffs and Defendant agree, subject to the Court's approval, to continue the  
9 Case Management Conference to May 7, 2010, at 10:00 a.m. in Courtroom #1, and to file their  
10 Joint Case Management Conference Statement by April 27, 2010.

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1           6. Plaintiffs and Defendant have met and conferred in good faith over the claims  
2 asserted in the Complaint.

DATED: February 10, 2010

Bingham McCutchen LLP

By:

Donald S. Davidson  
Michael D. Blanchard  
Kevin J. Woods  
Attorneys for Defendant  
Wachovia Securities, LLC

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11 DATED: February 9, 2010 Kabatech Brown Kellner LLP

Kabatech Brown Kellner LLP

By

Alfredo Torrijos  
Attorney for Plaintiffs

## 17 IT IS SO ORDERED.

18 Defendant shall file its response to the Complaint on or before March 11, 2010,  
19 the Case Management Conference is continued to May 7, 2010, at 10:00 a.m. in Courtroom #1,  
20 and the Joint Case Management Conference Statement is due by April 27, 2010.

DATED: February 11, 2010

